



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

Martin G Linihan Esquire  
Hodgson Russ Andrews Woods &  
Goodyear LLP  
One M&T Plaza Suite 2000  
Buffalo, NY 14203-2391

**COPY MAILED**

**JAN 09 2006**

**OFFICE OF PETITIONS**

In re Patent No. 6,937,748	:	LETTER REGARDING
Schneider et al.	:	PATENT TERM ADJUSTMENT
Issue Date: August 30, 2005	:	and
Application No. 09/659,772	:	NOTICE OF INTENT TO ISSUE
Filed: September 11, 2000	:	CERTIFICATE OF CORRECTION
Atty Docket No. 13325.0030	:	

This is in response to the LETTER REGARDING PATENT TERM ADJUSTMENT PERIOD filed September 21, 2005, pursuant to patentees' duty of good faith and candor to the Office. Patentees disclose that the patent term adjustment under 35 U.S.C. 154(b) of 426 days indicated on the face of the patent is longer than appropriate.

The request for reconsideration of the patent term adjustment is **GRANTED to the extent indicated herein.**

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of three hundred eighty-eight (388) days.

On August 30, 2005, the application matured into U.S. Patent No. 6,937,748, with a revised patent term adjustment of 426 days. Patentees disclose that the patent term adjustment should have been further reduced for applicant delay in responding to the Notice to File Missing Parts of Application mailed October 30, 2000. Their response was not filed until March 6, 2001.

A review of the record reveals that patentees are correct. A complete and proper response to the Notice to File Missing Parts mailed October 30, 2000 was not received until March 6, 2001. This was outside the three-month period set forth in 37 CFR § 1.704(b). Accordingly, a period of reduction of 35 days for the period from January 31, 2001 to March 6, 2001 should have been entered.

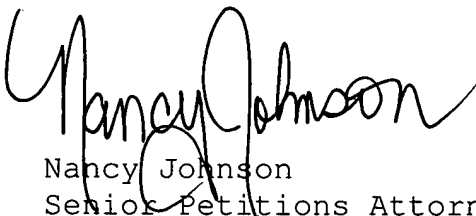
In addition, the record reveals that a period of reduction of 3 days should have been entered for applicant delay in responding to the notice of allowance. The notice of allowance was mailed on January 24, 2005; however, the issue fee payment was not received until April 27, 2005, three months and 3 days later.

In view thereof, the patent should have issued with a revised patent term adjustment of three hundred eighty-eight (388) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705. The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **THREE HUNDRED EIGHTY-EIGHT (388)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction